UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

)	
IN RE PHARMACEUTICAL INDUSTRY)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	CIVIL ACTION: 01-CV-12257-PBS
)	
THIS DOCUMENT RELATES TO:)	JUDGE PATTI B. SARIS
ALL CONSOLIDATED PRIVATE)	
CLASS ACTIONS)	
)	

DEY, INC.'S OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT

Dey, Inc. ("Dey") hereby joins in Aventis Pharmaceuticals Inc.'s Opposition to Plaintiffs' Motion for Leave to File an Amended Complaint ("Aventis' Opposition"). Plaintiffs did not confer with counsel for Dey prior to filing their Motion for Leave to File an Amended Complaint ("Plaintiffs' Motion for Leave"). Plaintiffs also failed to send Dey the demand letter required by M.G.L. ch. 93A sec.9(3) until July 10, 2006. To the extent that Plaintiffs' Motion for Leave, if allowed, would impact the M.G.L. ch. 93A sec. 9 claims against Dey, it should be denied for the reasons set forth in Aventis' Opposition.

Dated: July 31, 2006

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: /s Philip D. Robben

William A. Escobar (*Pro Hac Vice*) Neil Merkl (*Pro Hac Vice*) Christopher C. Palermo (*Pro Hac Vice*) Philip D. Robben (*Pro Hac Vice*)

101 Park Avenue New York, New York 10178 Telephone: (212) 808-7800 Facsimile: (212) 808-7897

(===) === := :

Attorneys for Dey, Inc.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was delivered on July 31, 2006 to all counsel of record in Civil Action No. 01-CV-12257-PBS by electronic means via LexisNexis File & Serve, pursuant to Paragraph 11 of Case Management Order No. 2.

/s Philip D. Robben
Philip D. Robben